



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,366	09/17/2003	Arnold R. Leiboff	461.1011	4568

22846 7590 06/09/2006

BRIAN ROFFE, ESQ  
11 SUNRISE PLAZA, SUITE 303  
VALLEY STREAM, NY 11580-6170

EXAMINER
----------

HOEKSTRA, JEFFREY GERBEN

ART UNIT	PAPER NUMBER
----------	--------------

3736

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/664,366

Applicant(s)

LEIBOFF, ARNOLD R.

Examiner

Jeffrey G. Hoekstra

Art Unit

3736

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) 5, 15 and 23-33 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-14, 16-22 and 34-43 is/are rejected.
- 7) ☒ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group 1, drawn to claims 1-22, and Species E, drawn to Figure 11, in the reply filed on 05/04/2006 is acknowledged.
2. Claims 5, 15, and 23-33 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 05/04/2006.

### ***Notice of Amendment***

3. In response to the amendment filed on 05/04/2006, amended claims 4, 6-13, 17-22 and new claims 34-43 are acknowledged.

### ***Information Disclosure Statement***

4. The information disclosure statement(s) (IDS) submitted on 05/04/2006 is/are acknowledged. The submission is in compliance with the provisions of 37 CFR 1.97 and 1.98. Accordingly, the examiner is considering the information disclosure statement(s).

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 3736

6. Claims 1-4, 6-14, 16-22, and 34-43 are rejected under 35 U.S.C. 102(b) as being anticipated by Takami et al (US 6,402,688).

7. For claims 1-4, 13-14 and 16, Takami et al discloses an air introduction device as best seen in Figure 1, comprising: a unitary, elastomeric body 20 defining an interior space, comprising insertion and sealing means for enabling insertion, and having (a) a proximal portion 19 having a rounded tip and adapted to be inserted into a bodily orifice of a person, (b) a distal portion, element 17 and the tubing within the pump, defining a lumen adapted to receive a connector of a pumping device 13 to enable air to be directed from the pumping device into and through said body, and (c) an expanded portion, the transition region between elements 19 and 17, having a larger size than said proximal portion, including a first truncated conical surface tapering from a circumferential portion having a largest diameter of said expanded portion to said proximal portion and a second truncated conical surface tapering from said largest diameter circumferential portion of said expanded portion to said distal portion, adapted to engage with a bodily orifice to limit insertion of said proximal portion and seal said body against the bodily orifice, and having insertion-limiting means for limiting insertion of said part of said body into a bodily orifice and occluding an opening of a bodily orifice (column 1 lines 4-8).

8. For claims 6-8 and 17, Takami et al discloses an air introduction device, wherein said distal portion has first and second arms AT7, AT8, said first arm defining a first lumen, the interior of AT8, adapted to receive a connector of an inflation pump 13, said second arm defining a second lumen, the interior of AT7, and including a constriction

Art Unit: 3736

36, and wherein said proximal portion and said expanded portion have a common central axis, as best seen in Figure 1, and said second arm of said distal portion has a central axis parallel to and offset from said common central axis of said proximal portion and said expanded portion, as best seen in Figure 1.

9. For claims 9-12, 18-22 and 34-43, Takami et al discloses an air introduction device, wherein (a) said distal portion has first and second arms AT7, AT8, said first arm defining a first lumen, the interior of AT8, adapted to receive a connector of an inflation pump 13, said second arm defining a second lumen, the interior of AT7, further comprising a pressure regulating and relief valve 38 and (b) the air introduction device comprises a signaling means or a means for generating an audible indication, a buzzer 49 comprising a bill-shaped extension (electromagnetic arms or flaps) that produces an audible signal when air is released, coupled to said second side arm for providing a signal when air is released via said valve (column 4 lines 44-53).

### ***Conclusion***

The following prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Ams et al (US 5,047,010), Sohn et al (US 6,056,699), and Doi et al (US 4,971,034) disclose air introduction and pressure regulation devices with pressure indicators.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey G. Hoekstra whose telephone number is (571)272-7232. The examiner can normally be reached on Monday through Friday, 8:00 a.m. to 5:00 p.m. EST.

Art Unit: 3736

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Max F. Hindenburg can be reached on (571)272-4726. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JGH

JH



MAX F. HINDENBURG  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700